UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,970	04/10/2001	Hsien-Tsung Yeh	MR1111-623	7132

4586   7590   10/06/2003

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER
LEE, EDMUND H

ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claim 1 is objected to because of the following informalities: the claim is not

written in proper claim format. Appropriate correction is required.

2.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

The claim is indefinite because it contains many idiomatic errors.

The phrase "a layer of 3D-animation…to the surface of the inner cup" (cl 1, lns 1-

5) is indefinite because it is confusing. The first part of the phrase conflicts with the

second part of the phrase.

Clarification and/or correction is required.

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the

admitted prior art as set forth in the instant specification at pgs 1-2 and figs 14-17 in

view of Yamaguchi et al (USPN 5200253). The admitted prior art teaches the basic

claimed process including an injection encapsulating process (pgs 1-2; figs 14-17);

transferring a layer of 3D-animation to an inner cup (pgs 1-2; figs 14-17); transferring a

layer of varnish over the layer of 3D-animation on the inner cup (pgs 1-2; figs 14-17);

transferring the inner cup with the varnish and layer of 3D-animation thereon to an

injection mold (pgs 1-2; figs 14-17); and injection molding around the inner cup in order

to encapsulate the varnish, layer of 3D-animation, and inner cup (pgs 1-2; figs 14-17).

The admitted prior art also teaches that the varnish protection layer does not protect the

3D-animation from subsequent processing such as encapsulation by injection molding

(pgs 1-2, figs 14-17).   However, the admitted prior art does not teach using a thermal-

withstanding protection layer. Yamaguchi et al teaches hologram forming sheets having

a protective layer or varnish over the hologram (col 18, lns 8-14); and using a protective

layer of poly (vinyl chloride-co-vinyl acetate) material if printing or other processing is to

be done on the surface of the protective layer (col 18, lns 8-14)--as a note, the poly

(vinyl chloride-co-vinyl acetate) protection layer constitutes a thermal-withstanding

protection layer. The admitted prior art and Yamaguchi et al are combinable because

they are analogous with respect to protecting 3D-animation with a protection layer.

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the poly (vinyl chloride-co-vinyl acetate) protection layer of

Yamaguchi et al in place of the varnish of the admitted prior art in order to protect the

3D-animation from the subsequent step of encapsulating by injection molding of the

admitted prior art.

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Haugk et al (USPN 5937554) teach the use of thermal-

withstanding protection layers to protect 3D-animations.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to EDMUND H. LEE whose telephone number is

703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY

FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone

number for the organization where this application or proceeding is assigned is (703)

872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is

703.308.0661.

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL